FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

CHAMBER SUMMOPNS NO.213 OF 2006 IN EXA. NO.458 OF 2004
IN
SMALL CAUSE SUIT NO.592 OF 1979

Office notes, office Memoranda of Coram, appearance, Court's orders or directions and Registrar's orders.	Court's or Judge's orders.

Mr. B.A. Vora for the plaintiff.

Mr.R.R.Mishra with Mr.Mahagaonkar for the Applicant.

CORAM : R.S. MOHITE, J.
DATED :9TH OCTOBER, 2006.

P.C.

1. This is an application filed by the applicant for raising attachment on Flat No.B/8, Ganesh Bhuvan, B Wing, First floor, Daftary road, Malad (E), Mumbai 400097. The said flat has been attached in Execution Application No.458 of 2004. The applicant is the wife of defendant No.G/6. It appears that the decree in question has been passed on 24.7.2002. The document produced by the applicant shows that by registered agreement dated 16.4.1992 the property was purchased by the applicant's mother. It is her

contention that her mother expired in 1998 and thereafter present applicant inherited the property, since her mother had died intestate. It is also seen that the flat is situated in a Co.operative Society. The Nomination form executed in favour of the applicant is annexed to the affidavit in support so also a certificate of co.operative society dated 12.10.2000. The present applicant is the holder of the shares. The Advocate for the plaintiff states that he do not want to file reply. In the circumstances, the averments made in the affidavit in support of the chamber summons are deemed to have been admitted. Hence, chamber summons is made absolute in terms of prayer clause (a) to (c) and stands disposed off.

(R. S. MOHITE, J.)